

# Data Retention Policy

J&J Recruitment Solutions Ltd must retain certain records containing your personal and sensitive personal data for periods that are defined in law. For these, and for other records containing your personal and sensitive personal data the Company will retain this information in either or both paper and electronic form for the periods specified in this policy.

Where the Company has obtained your consent to process your personal and sensitive personal data we will retain the information for the time period defined in the specific consent. Upon expiry of that period the Company may seek further consent from you.

The Company will securely process, store, archive and delete information containing your personal and sensitive personal data in accordance with our Data Security Policy.

All individuals have the following rights regarding their personal data:

1. The right to be informed – You have the right to know what information we hold about you, what we are using it for, who we are sharing it with, how long we are keeping it and on what basis we are processing the data.
2. The right of access – If you would like to see the records we hold on file for you
3. The right to rectification – If you believe we are holding incorrect information.
4. The right to erasure – You can ask us to remove your information from our records.
5. The right to restrict processing – You can ask us to stop processing it.
6. The right to data portability – If you want to take your data to another organisation
7. The right to object – You have the right to object to your data being processed.
8. The right not to be subject to automated decision-making (including profiling) – You have the right to object to automated decision-making.

For further information regarding these rights, this policy or any other of the Company's data protection policies or practices please contact Paul Connelly, Managing Director, in writing to J&J Recruitment Solutions, 122 High street, Herne Bay, Kent, CT6 5JY.

## Data record types with statutory retention periods

### **Accident books, accident records/reports**

**Statutory retention period:** 3 years from the date of the last entry (or, if the accident involves a child/ young adult, then until that person reaches the age of 21). (See below for accidents involving chemicals or asbestos).

**Statutory authority:** The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) (SI 1995/3163) as amended, and Limitation Act 1980. Special rules apply concerning incidents involving hazardous substances (see below).

### **Accounting records**

**Statutory retention period:** 3 years for private companies, 6 years for public limited companies.

**Statutory authority:** Section 221 of the Companies Act 1985 as modified by the Companies Acts 1989 and 2006.

### **Income tax and NI returns, income tax records and correspondence with HMRC**

**Statutory retention period:** not less than 3 years after the end of the financial year to which they relate.

**Statutory authority:** The Income Tax (Employments) Regulations 1993 (SI 1993/744) as amended, for example by The Income Tax (Employments) (Amendment No. 6) Regulations 1996 (SI 1996/2631).

### **Medical records and details of biological tests under the Control of Lead at Work Regulations**

**Statutory retention period:** 40 years from the date of the last entry.

**Statutory authority:** The Control of Lead at Work Regulations 1998 (SI 1998/543) as amended by the Control of Lead at Work Regulations 2002 (SI 2002/2676).

### **Medical records as specified by the Control of Substances Hazardous to Health Regulations (COSHH)**

**Statutory retention period:** 40 years from the date of the last entry.

**Statutory authority:** The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

**Medical records under the Control of Asbestos at Work Regulations: medical records containing details of employees exposed to asbestos and medical examination certificates**

**Statutory retention period:** (medical records) 40 years from the date of the last entry; (medical examination certificates) 4 years from the date of issue.

**Statutory authority:** The Control of Asbestos at Work Regulations 2002 (SI 2002/ 2675). Also see the Control of Asbestos Regulations 2006 (SI 2006/2739) and the Control of Asbestos Regulations 2012 (SI 2012/632)

**Medical records under the Ionising Radiations Regulations 1999**

**Statutory retention period:** until the person reaches 75 years of age, but in any event for at least 50 years.

**Statutory authority:** The Ionising Radiations Regulations 1999 (SI 1999/3232).

**Records of tests and examinations of control systems and protective equipment under the Control of Substances Hazardous to Health Regulations (COSHH)**

**Statutory retention period:** 5 years from the date on which the tests were carried out.

**Statutory authority:** The Control of Substances Hazardous to Health Regulations 1999 and 2002 (COSHH) (SIs 1999/437 and 2002/2677).

**Records relating to children and young adults**

**Statutory retention period:** until the child/young adult reaches the age of 21.

**Statutory authority:** Limitation Act 1980.

**Retirement Benefits Schemes – records of notifiable events, for example, relating to incapacity**

**Statutory retention period:** 6 years from the end of the scheme year in which the event took place.

**Statutory authority:** The Retirement Benefits Schemes (Information Powers) Regulations 1995 (SI 1995/3103)

**Statutory Maternity Pay records, calculations, certificates (Mat B1s) or other medical evidence**

**Statutory retention period:** 3 years after the end of the tax year in which the maternity period ends.

**Statutory authority:** The Statutory Maternity Pay (General) Regulations 1986 (SI 1986/1960) as amended.

**Wage/salary records (also overtime, bonuses, expenses)**

**Statutory retention period:** 6 years.

**Statutory authority:** Taxes Management Act 1970.

**National minimum wage records**

**Statutory retention period:** 3 years after the end of the pay reference period following the one that the records cover.

**Statutory authority:** National Minimum Wage Act 1998.

**Records relating to working time**

**Statutory retention period:** 2 years from date on which they were made.

**Statutory authority:** The Working Time Regulations 1998 (SI 1998/1833).

**Work-seeker records**

**Statutory retention period:** one year from (a) the date of their creation or (b) after the date on which we last provide you with work-finding services.

**Statutory authority:** The Conduct of Employment Agencies and Employment Businesses Regulations 2003 and The Gangmasters (Licensing Conditions) Rules 2009

**Records relating to dealings with other licence holders**

**Statutory retention period:** one year from creation or, where they have been supplied by another person, from last supply.

**Statutory authority:** The Gangmasters (Licensing Conditions) Rules 2009

# Data Record types with non-statutory retention periods

## **Actuarial valuation reports**

**Retention period:** permanently.

## **Application forms and interview notes (for unsuccessful candidates)**

**Retention period:** One year.

## **Assessments under health and safety regulations and records of consultations with safety representatives and committees**

**Retention period:** permanently.

## **Inland Revenue/HMRC approvals**

**Retention period:** permanently.

## **Money purchase details**

**Retention period:** 6 years after transfer or value taken.

## **Parental leave**

**Retention period:** 5 years from birth/adoption of the child or 18 years if the child receives a disability allowance.

## **Pension scheme investment policies**

**Retention period:** 12 years from the ending of any benefit payable under the policy.

## **Pensioners' records**

**Retention period:** 12 years after benefit ceases.

## **Personnel files and training records (including disciplinary records and working time records)**

**Retention period:** 6 years after employment ceases.

## **Redundancy details, calculations of payments, refunds, notification to the Secretary of State**

**Retention period:** 6 years from the date of redundancy

## **Senior executives' records (that is, those on a senior management team or their equivalents)**

**Retention period:** permanently for historical purposes.

## **Statutory Sick Pay records, calculations, certificates, self-certificates**

**Retention period:** The 6 years after the employment ceases.

## **Trade union agreements**

**Retention period:** 10 years after ceasing to be effective.

## **Trust deeds and rules**

**Retention period:** permanently.

## **Trustees' minute books**

**Retention period:** permanently.

## **Works council minutes**

**Retention period:** permanently.